

FORM PTO-1390  
(REV. 01-2003)

US DEPARTMENT OF COMMERCE PATENT &amp; TRADEMARK OFFICE

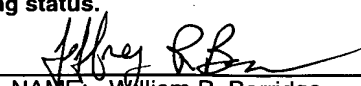
ATTORNEY'S DOCKET NUMBER  
126542**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/563,134INTERNATIONAL APPLICATION NO.  
PCT/FR2004/050310INTERNATIONAL FILING DATE  
July 5, 2004PRIORITY DATE CLAIMED  
July 4, 2003TITLE OF INVENTION  
NUCLEIC AND PROTEIN SEQUENCES FROM THE HXHV VIRUS AND USES THEREOFAPPLICANT(S) FOR DO/EO/US  
Isabelle CHEMIN; Christian TREPO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
  - c. ☐ The International Application was filed in English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Response to Notification of Missing Requirements

|   |                     |  |  |                                       |    |
|---|---------------------|--|--|---------------------------------------|----|
| U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)<br>10/563,134  |                     | INTERNATIONAL APPLICATION NO.<br>PCT/FR2004/050310 |  | ATTORNEY'S DOCKET NUMBER<br>126542    |    |
| 21. <input type="checkbox"/> The following fees are submitted:  |                     |  |  | <b>CALCULATIONS      PTO USE ONLY</b> |    |
|   |                     |  |  |                                       |    |
| <b>BASIC NATIONAL FEE (37 CFR 1.492(a)):</b> .....\$ 300.00   |                     |  |  | \$                                    |    |
| <b>SEARCH FEE (37 CFR 1.492(b)(1)-(3)):</b>   |                     |  |  | \$                                    |    |
| International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national phase ..... \$ 0.00  |                     |  |  |                                       |    |
| International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA.....\$ 100.00  |                     |  |  |                                       |    |
| International search report provided to USPTO no later than the time at which the search fee is paid .....\$ 400.00   |                     |  |  |                                       |    |
| All situations not provided for above.....\$ 500.00   |                     |  |  |                                       |    |
| <b>EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):</b>  |                     |  |  | \$                                    |    |
| International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national phase ..... \$ 0.00  |                     |  |  |                                       |    |
| All situations not provided for above.....\$ 200.00   |                     |  |  |                                       |    |
| Surcharge of \$130.00 for furnishing the search fee, the examination fee or the oath or declaration after the date of commencement of the national phase (37 CFR 1.492(h)).   |                     |  |  | \$                                    |    |
| <b>APPLICATION SIZE FEE</b>   |                     |  |  | \$                                    |    |
| Total pages - 100 =   | + 50                | = †  | x 250 =  | \$                                    |    |
| †round up to next integer   |                     |  |  |                                       |    |
| <b>CLAIMS</b>   | <b>NUMBER FILED</b> | <b>NUMBER EXTRA</b>                                | <b>RATE</b>  | \$                                    |    |
| TOTAL CLAIMS  | 61 - 20             | = 41   | x 50.00 =  | \$                                    |    |
| INDEPENDENT CLAIMS  | 4 - 3               | =  | x 200.00 =   | \$                                    |    |
| MULTIPLE DEPENDENT CLAIM(S)(if applicable)  |                     |  | + 360.00 =   | \$                                    |    |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |                     |  |  | \$                                    |    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.  |                     |  |  | \$                                    |    |
| <b>SUBTOTAL =</b>   |                     |  |  | \$                                    |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).   |                     |  |  | \$                                    |    |
| <b>TOTAL NATIONAL FEE =</b>   |                     |  |  | \$                                    |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +  |                     |  |  | \$                                    |    |
| <b>TOTAL FEES ENCLOSED =</b>  |                     |  |  | \$                                    |    |
|   |                     |  |  | Amount to be refunded:                | \$ |
|   |                     |  |  | charged:                              | \$ |
| a. <input type="checkbox"/> Check No. _____ in the amount of \$ _____ to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0461</u> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038. |                     |  |  |                                       |    |
| <b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.   |                     |  |  |                                       |    |
| SEND ALL CORRESPONDENCE TO:<br>OLIFF & BERRIDGE, PLC<br>Customer Number: 25944  |                     |  |  |                                       |    |
| Date <u>March 8, 2007</u>   |                     |  | <br>NAME: William P. Berridge<br>REGISTRATION NUMBER: 30,024 |                                       |    |
|   |                     |  | NAME: Jeffrey R. Bousquet<br>REGISTRATION NUMBER: 57,771   |                                       |    |

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Isabelle CHEMIN et al.

Attn: **Mail Stop PCT**

Application No.: 10/563,134

Docket No.: 126542

Filed: January 3, 2006

For: NUCLEIC AND PROTEIN SEQUENCES FROM THE HXHV VIRUS AND USES THEREOF

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C 371 IN THE UNITED STATES DESIGNATED/  
ELECTED OFFICE (DO/EO/US) WITH  
TRANSLATION OF THE APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on January 8, 2007, submitted herewith is, upon information and belief, an accurate translation of the application. Any specification attached to and referenced in the Declaration is a copy of the specification and any amendments thereto which were filed in the Office in order to obtain a filing date for the application.

|  | (Column 1)   | (Column 2)                      | (Column 3)    | SMALL ENTITY |           |    | OTHER THAN A SMALL ENTITY |           |
|--|--|---------------------------------|---------------|--------------|-----------|----|---------------------------|-----------|
|  | CLAIMS REMAINING AFTER TRANSLATION AND ANY PRELIMINARY AMENDMENT | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE         | ADD'L FEE | OR | RATE                      | ADD'L FEE |
| TOTAL CLAIMS   | *61 MINUS  | **20                            | =41           | x 25 =       | \$        |    | x 50 =                    | \$2050    |
| INDEP CLAIMS   | *4 MINUS   | ***3                            | =1            | x 100 =      | \$        |    | x 200 =                   | \$200     |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |  |                                 |               | + 180 =      | \$        | OR | + 360 =                   | \$        |
|  |  |                                 |               |              | \$        |    |                           | \$2250    |

†round up to next integer

- \* If the entry in Column 1 is less than the entry in Column 2, write "0" in Column 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

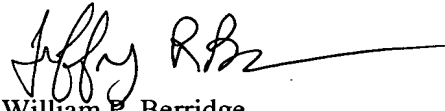
The "Highest Number Previously Paid For" in this space (Total or Independent) is the highest number found from the equivalent box in Column 1 of a prior Amendment or the number of claims originally filed.

Attached is our Check No. 190303 for ☒\$130.00 for the fee under 37 C.F.R. §1.492(i) and any excess claim fees noted above.

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the Notification of Missing Requirements. Accordingly, prompt issuance of a Notification of Acceptance and Official Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Commissioner is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Respectfully submitted,



William F. Berridge  
Registration No. 30,024

Jeffrey R. Bousquet  
Registration No. 57,771

WPB:JRB/kxs

Date: March 8, 2007

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**

Please grant any extension  
necessary for entry;

Charge any fee due to our  
Deposit Account No. 15-0461

03/12/2007 GFREY1 00000078 10563134

01 FC:1615  
02 FC:1614  
03 FC:1618

2050.00 OP  
200.00 OP  
130.00 OP



## UNITED STATES PATENT AND TRADEMARK OFFICE

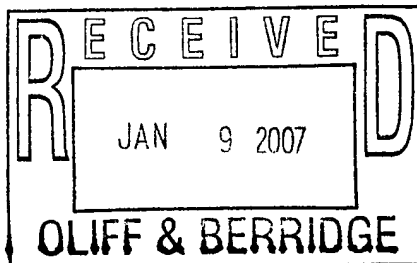
UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/563,134                  | Isabelle Chemin       | 126542           |

25944  
 OLIFF & BERRIDGE, PLC  
 P.O. BOX 19928  
 ALEXANDRIA, VA 22320

DUE DATE

MAR - 8 2007



INTERNATIONAL APPLICATION NO.

PCT/FR04/50310

I.A. FILING DATE

07/05/2004

PRIORITY DATE

07/04/2003

CONFIRMATION NO. 1175

371 FORMALITIES LETTER



\*OC000000021881992\*

Date Mailed: 01/08/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/03/2006
- Copy of the International Search Report filed on 01/03/2006
- Information Disclosure Statements filed on 06/28/2006
- Oath or Declaration filed on 06/13/2006
- Biochemical Sequence Listing filed on 01/03/2006
- U.S. Basic National Fees filed on 01/03/2006
- Priority Documents filed on 01/03/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** for English translation surcharge required.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and...

24 ASK 1/9 107  
 34 SHT 1/9 107

where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://spportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/563,134                  | PCT/FR04/50310                | 126542           |